THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :20566 2007

DATED:01-10-2007

BETWEEN:

Golle Pochaiah.

..... PETITIONER

AND

The Tahsildar,
Karimnagar mandal
Karimnagar District & another.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the order, dated 31-08-2007, in proceedings No.B/401/2007-41 issued by the 1st respondent herein, whereby cancelling patta granted in favour of father of the petitioner in the year, 1962 and also to declare the action of the 2nd respondent in not granting stay of operation of the said order, as illegal and arbitrary.

3. It is the case of the petitioner that an extent of Ac.1.02 guntas in Sy.No.173 was assigned by the then Tahsildar, in favour of the petitioner's father namely G.Rajamallaiah, and after the death of the said Rajamallaiah petitioner is in continuous possession and enjoyment of the same. While so, the Mandal Revenue Officer issued a notice, dated 01-04-2007, stating that the said land has not been cultivated and the same was made into plots and therefore, in view of the violation of the assignment order the said land was sought to be resumed if no proper explanation has been filed. It is further stated that no explanation has been filed within the prescribed period of fifteen days. The said order in proceedings No.B/401/2007-41, dated 31-08-2005, has been passed resuming the said land to the Government on the ground that there is violation of Section 3(1) of the A.P.Assigned Land

(Prohibition of Transfers) Act, 1977. Aggrieved by the said order petitioner filed appeal along with stay application before the 2nd respondent-Revenue Divisional Officer on 24-09-2007.

4. Having regard to the facts and circumstances of the case, 2nd respondent is directed to consider and dispose of the appeal filed against the order in proceedings No.B/401/2007-41, dated 31-08-2007, as expeditiously as possible without any undue delay and pending disposal of the appeal *status quo* obtaining as on today with regard to possession of the said land shall be maintained.

5. Accordingly, Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

01st October, 2007.

Note:

Issue operative portion of the order by wire at party's costs.

B/o

Tsy